

**U.S. DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**Rio Puerco Field Office**

**435 Montano Road, NE**

**Albuquerque, NM 87107-4935**

**CATEGORICAL EXCLUSION REVIEW/DECISION**

**NEPA Log** IT4RM-NM-A010-2016- **Lease/Serial/Case File**  
**Number:** 0001-CX **No.:**

**A. Background**

**Title of Proposed Action:** Arroyo del Tuerto Stabilization

<b>Location of Proposed Action:</b>	<b>County</b>	<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>QQ</b>
	Sandoval	013N	006E	004	

**Applicant (if any):**

**Description of Proposed Action:**

Arroyo will be stabilized by constructing a thin layer of rock that will deflect flows within the braided channel into channels that will not impact the outer curve of the arroyo. This will serve to protect the outer wall of the arroyo and the Paleontological resources found therein.

**B. Conformance with Land Use Plan**

<b>This proposed action conforms with the</b>	Rio Puerco Resource Management Plan, (Reprinted October 1992)	<b>because it is specifically provided for in the</b>
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**land use decision(s):**

Or, it is clearly consistent with the following decisions, objectives, and conditions of the RMP:  
Goals of management of the Ball Ranch SMA will emphasize rare plant habitat and paleontological values.  
Stabilization of the arroyo will serve to protect eroding paleo resources.

**This proposed action is categorically excluded from further documentation under NEPA in accordance with BLM NEPA Handbook 1790-1 Appendix 3 or Appendix 4**

**This action does not meet any of the extraordinary circumstances described in 516 DM 2, Appendix 2.**

<b>Review for Extraordinary Circumstances</b>	<b>Signature</b>	<b>Date</b>	<b>Impact</b>
	Angel Martinez	06/27/2016	Not Impacted
	Jeff Fassett	05/02/2016	May be Impacted
	Angel Martinez	06/27/2016	Not Impacted
	Jack River	04/04/2016	May be Impacted
	David Mattern	04/04/2016	Not Impacted
	Lucas Vargo	04/15/2016	Not Present
	Zebb Andrews	07/18/2016	May be Impacted
	Connie Maestas	05/02/2016	Not Present
	Christopher Bolen	04/19/2016	May be Impacted
	Lucas Vargo	04/15/2016	Not Present
	Sean Daugherty	04/01/2016	May be Impacted
	Zebb Andrews	07/18/2016	Not Impacted
	Jamie Garcia	05/03/2016	Not Impacted
Biologist - Plant/TE	Andrea Chavez	05/02/2016	May be Impacted
	David Mattern	04/04/2016	Not Impacted
	David Mattern	04/04/2016	Not Impacted
	Jennifer Merino	06/03/2016	May be Impacted
	David Mattern	04/04/2016	Not Impacted
	Jamie Garcia	05/03/2016	Not Present
Biologist - Animal/TE	Andrea Chavez	05/02/2016	Not Impacted
Biologist - Animal/TE	Andrea Chavez	05/02/2016	Not Impacted
Biologist - Animal/TE	Andrea Chavez	05/02/2016	Not Impacted
Biologist - Animal/TE	Andrea Chavez	05/02/2016	Not Impacted
	Jennifer Merino	06/03/2016	Not Present

	Jackie Leyba	05/04/2016	Not Present
	Jennifer Merino	06/03/2016	Not Present
	Jennifer Merino	06/03/2016	Not Present
	David Mattern	04/04/2016	Not Impacted
Archaeologist	Margaret Obenauf	05/03/2016	Not Present
Archaeologist	Sean Daugherty	04/26/2016	Not Present

I have reviewed this proposed categorical exclusion and determined that it is appropriate for the proposed action and that none of the Categorical Exclusions Extraordinary Circumstances apply.

Signatures By	Signature	Date
Planning & Environmental Coordinataor	Angel Martinez	07/18/2016
Preparer	Sean Daugherty	07/19/2016

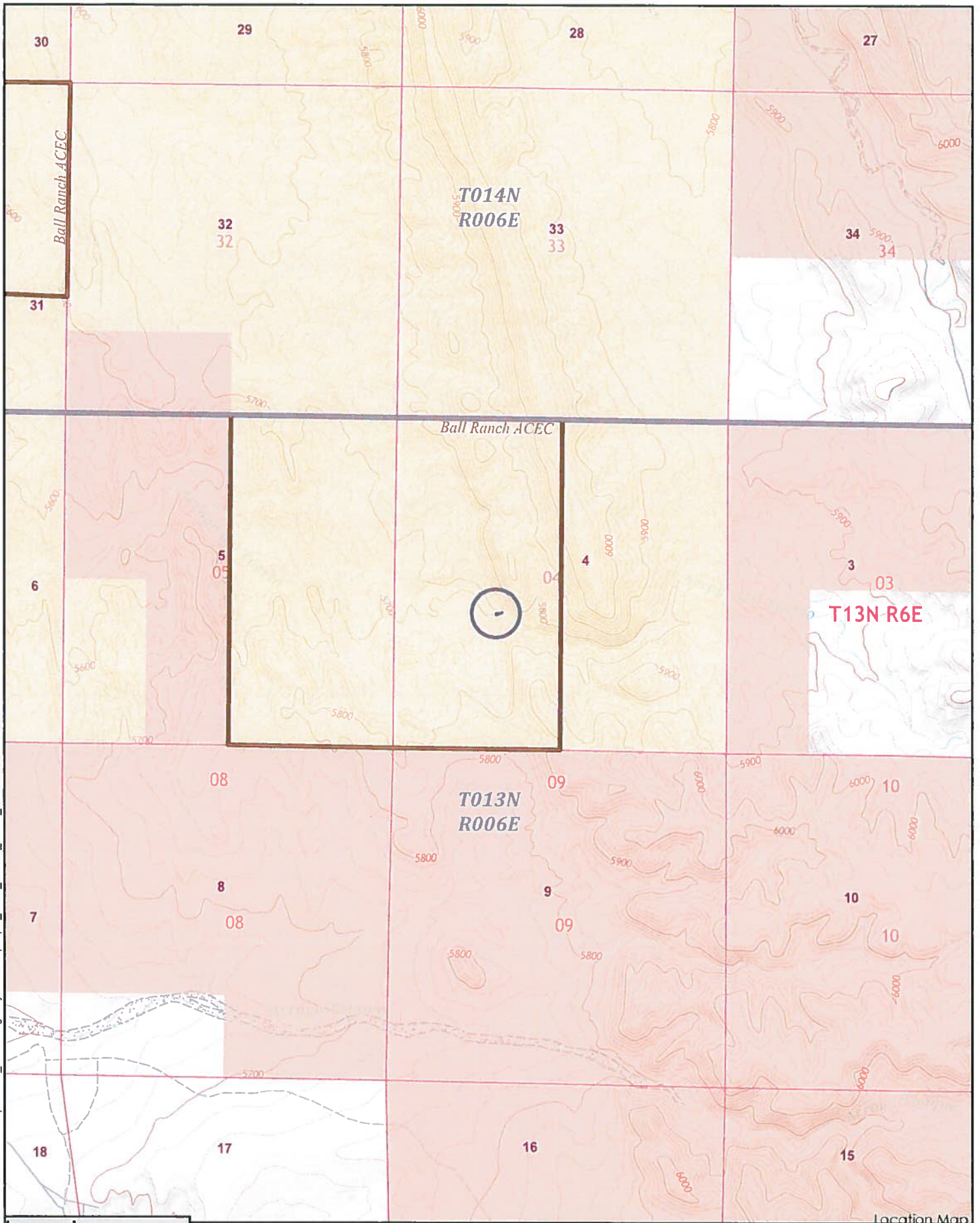
**Finding:** Based upon the above review, I have determined that the proposed action (as described, including any indicated stipulations) is in conformance with the land use plan and meets criteria for the selected categorical exclusion in that none of the Extraordinary Circumstances apply. Therefore, the action is excluded from further environmental analysis and documentation.

**Decision:** It is my decision that since the cited CX is applicable for the proposed project and that the action conforms with the *(Rio Puerco Resource Management Plan, (Reprinted October 1992))*, I hereby authorize the proposed action.

Date: 7-19-16

Manager

*Adam Liza*  
Acting Field Manager



**Legend**



- area
- Proposed redirection

# Arroyo del Tuerto

0 0.05 0.1 0.2 Miles  
1:24,000

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For Internal Use Only Date: 12/8/2015





REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS  
4101 JEFFERSON PLAZA NE  
ALBUQUERQUE, NM 87109

March 31, 2016

Regulatory Division

SUBJECT: Nationwide Permit (NWP) Verification – Action No. SPA-2016-00062, BLM  
Arroyo del Tuerto bank protection/channel braid deflection

Dave Mattern  
Bureau of Land Management  
435 Montano Road NE  
Albuquerque, NM 87107-4935

Dear Mr. Mattern:

I am writing this letter in response to your March 17, 2016 pre-construction notification for the proposed BLM Arroyo del Tuerto bank protection/channel braid deflection project located at approximately latitude 35.383334, longitude -106.315083, in Sandoval County, New Mexico. The work, as described in your letter, will consist of constructing an 80-foot long loose-rock current deflector structure to reduce flows in the left channel braid of Arroyo del Tuerto. The cross-sectional shape of the deflector will be triangular, a maximum of 4 feet wide at its base, and a maximum 2.5 feet high at its peak, with no more than 20 cubic yards of 18-inch average diameter rock within the ordinary high water mark (OHWM). We have assigned Action No. SPA-2016-00062 to this project. Please reference this number in all future correspondence concerning the project.

Based on the information provided, we have determined that the project is authorized by NWP 18, Minor Discharges. A summary of this permit and the New Mexico Regional Conditions are available on our website at [www.spa.usace.army.mil/reg/nwp](http://www.spa.usace.army.mil/reg/nwp). Please refer to our website at [www.spa.usace.army.mil/reg/wqc](http://www.spa.usace.army.mil/reg/wqc) for specific information regarding compliance with water quality certification (WQC) requirements. The permittee must ensure that the work complies with the terms and conditions of the permit, including New Mexico Regional Conditions and conditions of the WQC.

Under Section 401 of the Clean Water Act, certification of compliance with state or tribal water quality standards by the state water quality agency or tribal water quality certifying authority is required for any discharge of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act.

Our review of this project also addressed its effects on threatened and endangered species and historic properties in accordance with general conditions 18 and 20. As the lead federal agency, the USDI Bureau of Land Management have determined that this project will not affect any federally listed threatened or endangered species or any historic properties. However, please note that the permittee is responsible for meeting the requirements of general condition 18 on endangered species and general condition 20 on historic properties.

This letter does not constitute approval of the project design features, nor does it imply that the construction is adequate for its intended purpose. This permit does not authorize any injury to property or invasion of rights or any infringement of federal, state or local laws or regulations. The permittee and/or any contractors acting on behalf of the permittee must possess the authority and any other approvals required by law, including property rights, in order to undertake the proposed work.

This permit verification is valid until March 18, 2017 (33 CFR 330.6), unless the NWP is modified, suspended, revoked or reissued prior to that date. Continued confirmation that an activity complies with the terms and conditions, and any changes to the NWP, is the responsibility of the permittee. Activities that have commenced, or are under contract to commence, in reliance on a NWP will remain authorized provided the activity is completed within 12 months of the date of the NWPs expiration, modification, or revocation.

Within 30 days of project completion, the permittee must fill out the enclosed Certification of Compliance form and return it to our office. The landowner must allow Corps representatives to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the NWP.

I am forwarding a copy of this letter to Abe Franklin, New Mexico Environment Department. If you have any questions, please contact me at 505-342-3111 or by e-mail at Shelly.Barnes@usace.army.mil. At your convenience, please complete a Customer Service Survey on-line available at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey).

Sincerely,

BARNES.MICHELLE  
E.LI.1512309069

Digitally signed by  
BARNES.MICHELLE.LI.1512309069  
DN: c=US, o=U.S. Government,  
ou=DoD, ou=PKI, ou=USA,  
cn=BARNES.MICHELLE.LI.1512309069  
Date: 2016.03.31 16:14:11 -06'00'

Shelly Barnes  
Regulatory Project Manager

Enclosure(s)



**Certification of Compliance  
with Department of the Army Nationwide Permit**

Action Number: SPA-2016-00062

Name of Permittee: Dave Mattern, Bureau of Land Management

Nationwide Permit: 18 – Minor Discharges

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Shelly Barnes  
Albuquerque District, U.S. Army Corps of Engineers  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

Please enclose photographs showing the completed project (if available).

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Date Work Started \_\_\_\_\_

Date Work Completed \_\_\_\_\_

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date



**ARROYO DEL TUERTO STABILIZATION (BALL RANCH)**  
**CX# DOI-BLM- NM- A010- 2016- 10 – CX**

Under the December 2014 Protocol Agreement between the BLM and the New Mexico State Historic Preservation Officer, Sean I. Daugherty determined that cultural resource inventory is not required for the installation of a small rock lens incorporating no more than 20^3m of rock within the active channel of the Arroyo Del Tuerto. (Protocol IV.C.i, Appendix C, IV. Other h).

Under the December 2014 Protocol Agreement between the BLM and the New Mexico State Historic Preservation Officer, Sean I. Daugherty determined that installation of a small rock lens is an undertaking not requiring SHPO consultation under Section 106 of the National Historic Preservation Act (Protocol IV.C.i, Appendix C, II Realty f).


**CASE-BY-CASE REVIEW PARAMETERS**

**IV. IDENTIFICATION OF HISTORIC PROPERTIES**

**C. Undertakings Not Requiring SHPO Consultation**

i. The BLM and SHPO have identified specific projects or activities that are undertakings that do not have the potential to cause effects to historic properties. These undertakings are listed in Appendix C: Undertakings Not Requiring SHPO Consultation.

Appendix C, IV. Other h. Activities limited within active stream channels, not including terraces or cut banks.

  
22 February 2016

## Stipulations to reduce the spread of Noxious Weeds in the RPFO

1. Inventory the proposed route or site for the presence of noxious weeds. Noxious weeds are those listed on the New Mexico Noxious Weed List. The following noxious weeds have been identified as occurring on lands within the boundaries of the Albuquerque Field Office (AFO).

Russian Knapweed (*Centaurea repens*)  
Musk Thistle (*Carduus nutans*)  
Bull Thistle (*Cirsium vulgare*)  
Canada Thistle (*Cirsium arvense*)  
Scotch Thistle (*Onopordum acanthium*)  
Hoary Cress (*Cardaria draba*)  
Perennial Pepperweed (*Lepidium latifolium*)  
Halogeton (*Halogeton glomeratus*)  
Spotted Knapweed (*Centaurea maculosa*)  
Dalmation Toadflax (*Linaria genistifolia*)  
Yellow Toadflax (*Linaria vulgaris*)  
Camelthorn (*Alhagi pseudalhagi*)  
Yellow Starthistle (*Centaurea solstitialis*)  
Saltcedar (*Tamarix* spp.)  
Diffuse knapweed (*Centaurea diffusa*)  
Russian Olive (*Elaeagnus angustifolia*)  
Cheatgrass (*Bromus tectorum*)  
Siberian Elm (*Ulmus pumila*)  
African Rue (*Peganum harmala*)  
Oxeye Daisy (*Leucanthemum vulgare*)

2. Construction equipment should be inspected and cleaned prior to coming onto the work site. This is especially important on vehicles from out of state or if coming from a weed infested area.

3. If fill dirt or gravel will be required, the source needs to be noxious weed free.

4. The site should be monitored for the life of the project for the presence of noxious weeds (includes maintenance & construction activities). If weeds are found, the AFO will be notified and the AFO will determine the best method for the control of the particular weed species.

5. If the work site is abandoned, the area shall be reclaimed and revegetated with the species specified by the AFO. All seed shall be certified weed free by the NMDA State Seed Lab <http://www.nmda.nmsu.edu/state-seed-lab-2/> The area will be monitored to determine the success of the revegetation, and will be reseeded if necessary.

6. Oil and Gas reclamation shall take place within 30 days if commercial production cannot be established.